

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TRUSTEES OF THE OPERATING  
ENGINEERS PENSION TRUST, et al.,

Plaintiffs,

v.

SEQUOIA ELECTRIC, LLC., et al.,

Defendants.

2:11-CV-1179 JCM (PAL)

**ORDER**

Presently before the court is plaintiffs Trustees of the Operating Engineers Pension Trust, et. al.'s amended motion to add Clear Diamond, LLC and Sequoia Construction, Inc. as defendants. (Doc. #18). Plaintiffs attached a copy of the proposed amended complaint to the motion. (Doc. #18, Ex. 3).

On October 31, 2011, the court denied plaintiffs' first motion to amend because they had failed to attach a copy of the amended complaint to the motion pursuant to Local Rule 15-1(a). (Doc. #17). In response to the earlier motion to amend, defendants Sequoia Electric, LLC, et. al. filed a notice of non-opposition. (Doc. #16). The instant motion is substantially similar to the previously denied motion. (Doc. #18).

Pursuant to Federal Rule of Civil Procedure 15(a)(2), when justice requires, the court should "freely give leave" to amend. *Id.* This policy "is to be applied with extreme liberality." *Owens v. Kaiser Foundation Health Plan, Inc.*, 244 F.3d 708, 712 (9th Cir. 2001). District courts consider

1 four factors in determining whether leave to amend is appropriate: bad faith, undue delay, prejudice  
2 to the opposing party, and/or futility. *Id.*; see also *Foman v. Davis*, 371 U.S. 178, 182 (1962). Local  
3 Rule 15-1(a) requires plaintiffs to submit a proposed amended complaint along with the motion to  
4 amend. LR 15-1(a).

5 Considering defendants' previously filed notice of non-opposition and good cause appearing,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs Trustees of the  
7 Operating Engineers Pension Trust, et. al.'s amended motion to add Clear Diamond, LLC and  
8 Sequoia Construction, Inc. as defendants (doc. #18) be, and the same hereby is, GRANTED.

9 IT IS FURTHER ORDERED that plaintiffs file and serve the amended complaint (doc. #18,  
10 ex. 3) forthwith.

11 DATED November 9, 2011.

12  
13   
14 UNITED STATES DISTRICT JUDGE